

### REMARKS

Claims 1-3, 13-15, 18, 22-26, and 30-37 are currently pending in the application. Claims 1, 2, 3, 13-15, and 22-26 have been amended for clarification. Claims 19-21 and 27-29 have been cancelled without prejudice. New claims 30-37 have been added. No new matter has been added.

The Office states that despite the Applicant's amendment of claims 19-21 and 27-29 these claims have been withdrawn from consideration. The Applicant respectfully asserts that the Applicant never elected to withdraw these claims from consideration, but instead, sought to amend them to be within the elected invention and/or species. However, because the Office considered the original version of claims 19-21 and 27-29 to have been outside the elected species, the Office did not consider Applicant's amendments to these claims. Accordingly, to expedite this application, the Applicant has canceled claims 19-21 and 27-29, and has added new claims 30-35. Therefore, new claims 30-35 are believed to be within the elected invention and/or species as discussed with respect to the amendments that Applicant had sought to make to claims 19-21 and 27-29. Furthermore, independent claim 30 requires "at least one interpreter", and thus, claim 30 and dependent claims 31-35 are within the scope of the elected claims.

The Office maintains its rejection of claims 3 and 13 under 35 U.S.C. §112, first paragraph. The Applicant respectfully disagrees and directs the Office's attention to Figures 3-5, which illustrate a device having dual displays and microphones. Once taught by the present specification to include dual displays and microphones in one housing, the specifics of assembling such a device would have been well within the capabilities and knowledge of those reasonably skilled in the art as it was known how to assemble a single computer or similar audio/video input-output device. One of ordinary skill in the art would have known how to assemble a screen, processor and camera in a single housing. It follows that, once taught by the present disclosure to do so, it would have been well within the level of skill of one of ordinary skill in the art to assemble two screens, two processors and two cameras in a single housing. Some examples of housings having multiple screens, processors or cameras include editing consoles containing two screens or monitors, portable stereo recorders containing two

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microphones (i.e., multiple recorders), and multi-camera devices such as the device used to shoot Disney's Circlevision™ motion pictures and "stereovision" and "3-D" photographic and videographic devices (all examples of multiple cameras in a single housing).

The Office further rejects claims 3 and 13 under 35 U.S.C. §112, second paragraph as failing to distinctly claim the subject matter. The Applicant has amended these claims to provide clarity. The Applicant believes that this objection has now been overcome and respectfully requests this rejection be withdrawn.

The Office rejects claims 1, 2, 14, 15, 18 and 22-26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,926,787 to Bennett et al. in view of U.S. Patent No. 6,370,498 to Flores et al. The Applicant respectfully disagrees and traverses this rejection.

As previously argued, the Bennett disclosure "relates to a computer-aided *transcription* system used by court reporters which provides readable testimony to attorneys, judges, court reporters, witnesses and clients in real time." (emphasis added) Col. 1, lines 25-28. In Bennett, a court reporter, using a set of keys "in various combinations and sequences to represent spoken words" (col. 1, lines 36-39) records testimony in open court. These key-strokes are transcribed into pre-assigned words, wherein the key-stroke and associated word is stored in a cross-reference database. The transcription ability of the Computer Aided Transcription ("CAT") system in the Bennett reference is limited by the cross-reference library provided by the court reporter.

The Applicant reasserts and reincorporates its prior arguments. In addition to the prior arguments, claim 1 has been amended to include "a plurality of interpreter computers, each interpreter computer has an input/output device for manual operation by a respective one of the *human* interpreters." Additionally, claim 22 requires that "the response is manually input by the selected interpreter." In vast contrast, the Bennett reference utilizes an *automated* process for translating the stenographers (users) input codes into language readable by the attorneys. The libraries in the Bennett system are cross reference libraries that corresponds the input to a predesignated output, which automatically cross reference the input to the predefined output. In Bennett, it is "CAT [that] offers an interpretation", as stated by the Office at page 3, which is automated. The CAT has no "input/output device for manual operation by a respective one of

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the human interpreters" (claim 1) or ability to provide a "response [that] is manually input by the selected interpreter" (claim 22). Clearly, the ability of a human being to discern nuances in communication by the users and to appropriately select from a *number* of possible word choices is very distinctive from the slavish correlative procedure constrained by the "words" stored in the Bennett library. Additionally, language interpretation is more than correlating words in language A to words in language B. It requires "interpretation" involving the nuances of culture and judgment performed by a *human*, including "reading" the expression on the faces of the persons speaking to and applying the interpreter's evaluation of the "tone" of the person's voice to make such evaluation to make such interpretations. It is a well-known truism that many times it is not what a person says that is the primary communication but rather *how* it is said. Only a human interpretation can factor in such considerations in performing linguistic interpretation services. Under current technical limitations such sophisticated analysis can *only* be performed by humans. The foregoing concept associated with the inherent limitation of computers informs of at least one of the problems solved by the instant invention and is not even addressed by Bennett. Moreover, unlike the interpreter in Bennett, the interpreter system in the present invention provides the users with the ability to change interpreters. This is not a feature obtainable in the Bennett system, as that system is limited by the predefined library. Accordingly, Bennett fails to teach or suggest any "input/output device for manual operation by a respective one of the human interpreters", or other feature that provides that a "response is manually input by the selected interpreter". Accordingly, all of the limitations of claims 1 and 22 are not met by the Bennett reference. These features are further not found in the Flores reference. Thus, the combination of Bennett and Flores fails to teach or suggest independent claims 1 or 22. Accordingly, claims 2-3, 14-15, 18 and 36, which depend directly or indirectly from claim 1, are also allowable. Similarly, claim 23-26 and 37, which depend directly or indirectly from claim 22, are also allowable.

In addition to the above, the combination of Bennett and Flores further fail to meet "a plurality of interpreter computers, wherein each interpreter has a predefined set of service criteria" as required in claim 22. Neither Bennett nor Flores teaches or suggests a "plurality of human interpreters" or any interpreter having "a predefined set of service criteria" as required by

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the language in claim 22. Further still, this combination fails to meet any of the remaining language in claim 22. More specifically, this combination fails to meet (a) "the first user requiring at least one of the plurality of human interpreters to facilitate communication with a second user; (b) comparing, on the provider computer, user-selected service criteria with the predefined set of service criterion of the one of the plurality of human interpreters to determine a degree of match; (c) selecting one of the plurality of human interpreters from the degree of match; (d) transmitting, from the user computer, information to be interpreted to the selected human interpreter; and (e) receiving, on the user computer, a response from the selected human interpreter, wherein the response is manually input by the selected human interpreter and corresponds to a interpretation of the transmitted information from the user computer."

Regarding (a), neither reference teaches "the first user requiring at least one of the plurality of human interpreters to facilitate communication with a second user". Regarding (b) neither reference teaches or suggests a plurality of human interpreters. Further, regarding (c), neither Bennett nor Flores "select[s] one of the plurality of interpreters from the degree of match." Flores may select a specific language of a work, but that is a translation of the work, not the selection of "one of the plurality of human interpreters". An interpreter is unnecessary since the work is already translated, and the stored translated work need only be displayed. See for example, col. 5, lines 27-58. As such, an interpreter is not selected as required by the claim language. Accordingly, the claim language of (d) is not met either, as "the selected human interpreter" is not provided to the user since no interpreter is selected. Further still, the combination of Bennett and Flores fail to teach or suggest "receiving, on the user computer, a response from the selected human interpreter, wherein the response is *manually input* by the interpreter." For these and the reasons set forth above, the Bennett and Flores combination fails to teach every limitation in claim 22, and thus, this claim is allowable. As stated above, since independent claim 22 is not met by this combination, and is allowable, dependent claims 23-26 and 37 are also allowable.

Regarding claims 14, 15, 18 and 23, the Office states that the combination of Bennett in view of Flores "teaches that the devices are not limited to pc's". The Office recites column 8, lines 18-24, but fails to identify which reference. The Applicant has reviewed this column in

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both patents and believes the Office intended to cite column 18, lines 18-24 of the Bennett reference. Column 18, lines 18-24 of the Bennett reference recites that "although a stenographic recorder 11 is illustrated ...other *recording* techniques are contemplated." The reference cites a voice transcription technique or a pen-based note-pad computer having OCR software. This language fails to teach "a hand held device" as required by claims 14 and 18, "portable telephones, personal appointment managers, a Palm Pilot, and a personal communication device" as required by claim 15, or "a cellular telephone, a handheld device, wireless laptop, or Palm Pilot" as required by claim 23. Indeed, the Bennett device must be a *recording* technique that is usable in the courtroom and have the capability of performing the functions of the stenographic machine. In this regard Bennett teaches *away* from a live interpretation and translation process as described in the instant invention, and as required by the claim language. Further still, the recording technique is limited to the stenographer, and is not extended to the user computers. Thus, in combination, the claim language cannot be met as in claim 15 any of the "provider computer, user computer or interpreter computer" is selected from the identifiable group. Further still, the language of claim 32 is not met as the "interpreter possesses a wireless communication device and is capable of providing communication services while translocating from one location to another." Indeed the CAT system is not intended to be separate from the court reporter as it is "the reporter's terminal." See Bennett, col. 5, lines 59-62. As the court reporter enters keystrokes it is transmitted to the CAT system. *Id.* The combination of Bennett and Flores therefore fails to teach "translocating from one location to another."

Regarding claim 25, according to the Office, the combination of Bennett and Flores "teaches the recording and visual presentation of the user/interpreter". The Applicant respectfully disagrees. The Flores reference, while providing for a video download, the video download is of the translated work the user desires to receive. Flores does not provide interpretation services such that "an image of at least one of the first user or second user is transmitted to the interpreter computer and an image of the selected human interpreter is transmitted to the user computer, further digitally modifying for transmission the image of at least one of the first user, and second user or the selected human interpreter" as recited in claim 25. The Flores reference never provides any information about the interpreter; rather, only the

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translated work is displayed in some format. Accordingly, the Bennett and Flores combination fails to teach the recited language in claim 25.

Similarly, the combination of Bennett and Flores fails to teach "a plurality of interpreters" as recited in claim 26. The Office offers no specific reference to either of these references to support this rejection, and the recited reason that the combination "teaches the recording and visual presentation of the user/interpreter" fails to support the refusal of claim 26, which requires "a plurality of interpreters."

Finally, claims 30-37 have been added. Claims 30-33 correspond to canceled claims 19-21, respectively, and claims 33-35 correspond to withdrawn claims 27-29, respectively. Claim 36, which depends from claim 1, is directed to an input/output device being a keyboard, and claim 37, which depends from claim 22, is directed to either sign language or auditory information being included in the response from the interpreter. Neither Bennett nor Flores, alone or in combination teach or suggest any of these features. Indeed, with regard to claim 37, the "interpretive services provided from the human interpreter" is selected from the group consisting of sign language or auditory information. As discussed above, neither Bennett nor Flores teaches or suggests a human interpreter, and further neither is configured to support interpretive services "selected from the group consisting of sign language." Indeed, neither reference includes a video "library" of video sign language words and phrases. Accordingly, this combination fails to teach or suggest claim 37.

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The Applicant contends that the claims are now in allowable form and respectfully request entry of these amendments and allowance of these claims.

Respectfully submitted,

  
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